

FISCAL NOTE

SB 1284 - HB 1544

April 11, 2001

SUMMARY OF BILL: Decreases the amount of additional local funds the district public defender is entitled to when the district attorney general receives an increase in local funding for positions or other expenses. Under current law, whenever a district attorney general receives an increase in local funding for positions or expenses, the district public defender is entitled to 75 percent of that increase. The bill will reduce that percentage to 50 percent. The bill also places a cap of \$5,000 on expert, investigative or other similar services to which an indigent defendant in a capital case is entitled.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - Exceeds \$100,000/Indigent Defense Fund
Decrease State Expenditures - Exceeds \$100,000/Indigent Defense Fund

Decrease Local Govt. Expenditures - Exceeds \$300,000

Estimate assumes:

- An increase in the number of appointed counsel for indigent defendants that will be paid out of the state's indigent defense fund as the result of reduced funding for public defenders. The amount of increase cannot be determined but is estimated to exceed \$100,000.
- A decrease in state expenditures from placing a \$5,000 cap on expenditures for expert, investigative, or similar services in capital cases. The amount of decrease cannot be determined but is estimated to exceed \$100,000. According to the Administrative Office of the Courts, the average cost for these services is \$68,485 based on 6 capital cases that have gone to trial.
- A decrease in local government expenditures for public defender services estimated to exceed \$300,000 based on current local funding levels.

Estimate does not take into consideration the potential for additional appeals or retried cases should a court determine that a defendant may have been denied adequate representation as a result of limiting funds available for expert testimony, investigative or similar services.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

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